

SECTION: CERTIFICATION

SUBJECT: Eligibility Requirement

ITEM: *Presence Requirement*



Policy A local agency shall ensure that participants are physically present at all certification appointments, with limited exceptions. In the case of infants and children participants, the parent/guardian shall also be present.

Basis for Policy CFR 246.7 (p) (1) (2)
All States Memorandum 00-79
FNS Instruction 803-10, REV. 1

Exemption to required presence during initial certification Infants less than 42 days old, born of women who were program participants during pregnancy or women who were not program participants during pregnancy but can document they were at nutritional risk which would have qualified the mother for the program, may be exempt from the physical presence requirement if the parent is reluctant to take the newborn infant outside the home. In such cases, the first month's food package shall be issued and the staff shall require the parents/guardians to bring the infant to the next appointment and shall follow up to ensure they do.

Exemptions to required presence during initial certification and re-certification Local agency staff shall excuse an applicant from the physical presence requirement if physical presence would present an unreasonable barrier to current participation under the following circumstances:

1. A participant or parent/guardian of a participant who is a qualified individual with a disability as defined by the Americans with Disabilities Act. Examples include
 - a medical condition that necessitates the use of medical equipment that is not easily transportable;
 - a medical condition that requires confinement to bed rest;
 - a serious illness that may be exacerbated by coming into the WIC site; or
 - a serious illness that is highly contagious (i.e., tuberculosis).

**Exemptions to
required
presence
during initial
certification
and re-
certification
(continued)**

Note: All applicants with disabilities are not automatically exempt from the physical presence requirement. Only those disabilities that create a current barrier to the physical presence requirement may serve as a basis for an exemption.

**Exemptions to
required
presence
during re-
certification**

The following participants may be excused from the physical presence requirement at recertification:

1. An infant or child
 - who was present at the initial certification,
 - has documented ongoing health care from a provider other than the WIC local agency, and
 - whose physical presence would pose an unreasonable barrier to participation.

2. An infant or child
 - who was present at the initial certification,
 - was present at a WIC certification or recertification determination within the one year period ending on the date of the most recent certification or recertification determination, and
 - who is under the care of one or more working parents/guardians, AND whose working status presents a barrier to bringing the infant or child to the WIC clinic.

Note: Infants and children determined exempt from presence at a recertification because of working parents/guardians, MUST be present for the next six-month recertification. (Local agency staff must check Family Comments for the system inserted comment regarding the individual's presence at the previous recertification appointment.) In households where there are two parents/guardians, BOTH parents/guardians MUST be working in order for the presence at certification exemption to apply.

**Length of time
for exemption**

At, or prior to recertification, the need for the applicant's exemption from physical presence shall be reassessed. In the case of short-term or limited conditions, the length of time an applicant may be exempt from the physical presence requirement is limited to the current certification period. In the case of long-term or permanent conditions, an extended exception to the physical presence requirement may be necessary.

Infants that are exempt from presence at certification for six weeks following birth, must be brought to the WIC site in the second month

**Documen-
tation**

Local agency staff shall document whether an applicant/participant is present at a certification appointment in the "Present at Cert" field on the Certify Individual Screen in the Integrated Statewide Information System (ISIS). Acceptable codes are:

- Y - Present
- D - Not present - Disabled
- H - Not present at recert – ongoing health care (infant/child)
- I - Infant, less than six weeks old, not present at enrollment
- W - Not present at recert – working parents (infant/child)

Note: The local agency is still responsible for obtaining proof of identity, address and income (WPM sections 210-30, 210-40, 270-20 et. al.) for all applicants, including those unable to be present.

**Examples
Of Code Use****(D) Disabled**

- Participant/Guardian or infant/child is confined to bed to recuperate from surgery.
- Participant/Guardian or infant/child has contracted a contagious disease such as active tuberculosis or chicken pox.

(H) Ongoing Health Care

- Child/infant is receiving chemotherapy at a regional medical center outside the immediate coverage area of the WIC agency.

(I) Infant less than six weeks of age

- Hispanic infant three weeks of age. Cultural tradition in some Hispanic cultures forbids the infant from leaving the home for up to six weeks after birth. One month of food vouchers is issued and a hold is placed in ISIS. The infant must be present at the agency for the second month of eligibility.

**Examples
Of Code Use
(Continued)**

(W) Working Parents

- The parent/guardian of the infant/child must leave work to recertify an infant or child, but cannot obtain enough time off to retrieve the child from daycare, bring the infant/child into the agency, return the child to daycare, and return to work. **Note: An infant must be present for the initial WIC enrollment unless the infant qualifies as exempt under (I), in which case, the infant must be present during his/her second month of eligibility.**
In two-parent families, BOTH parents must be working and it must present a barrier to participation for the infant/child if neither parent were able to leave work and bring the infant/child to the recertification appointment.